

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

IN RE PARKING HEATERS ANTITRUST  
LITIGATION

No. 15-MC-940 (JG) (JO)

This Document Relates to:  
*All Cases*

**JOINT STATUS REPORT**

Pursuant to the Court's August 18, 2015 Scheduling Order, the undersigned hereby submit this Joint Status Report.

**I. Cases Pending and Consolidated for Purposes of Pre-trial Discovery**

The following related cases have been filed and, pursuant to the Court's May 27, 2015 Order,<sup>1</sup> are consolidated for pre-trial discovery in the above-captioned matter:

**A. Direct Purchaser Actions**

- *Triple Cities Acquisition LLC v. Espar, Inc. and Espar Products Inc.*, No. 15-cv-1343 ("Triple Cities");
- *National Trucking Financial Reclamation Services v. Espar, Inc., Espar North America, Inc. and Espar Products Inc.*, No. 15-cv-2310 ("National Trucking");
- *Trailer Craft Inc. v. Espar, Inc., Espar Products, Inc., Webasto Products North America, Inc. and Webasto Thermo & Comfort North America, Inc.*, No. 15-cv-2411 ("Trailer Craft");
- *Guay Brothers Co. v. Espar, Inc., Espar Products Inc., John E. Bishop, Volker Hobensee, Webasto Products North America, Inc. and Webasto Thermo & Comfort North America, Inc.*, No. 15-cv-3225 ("Guay Brothers");
- *Myers Equipment Corp. v. Espar, Inc., Espar Products Inc., Webasto Products North America, Inc. and Webasto Thermo & Comfort North America, Inc.*, No. 15-cv-3872 ("Myers Equipment"); and
- *Advance Diesel Service v. Espar Inc., Espar Products, Inc., Webasto Products North America, Inc., Webasto Thermo & Comfort North America, Inc., Marine Canada Acquisition Inc.*

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<sup>1</sup> ECF No. 28, *Raccoon Valley*, No. 15-cv-1338; ECF No. 28, *Triple Cities*, No. 15-cv-1343; ECF No. 24, *Regional International*, No. 15-cv-1798; ECF No. 19, *National Trucking*, No. 15-cv-2310; ECF No. 19, *Trailer Craft*, No. 15-cv-2411; and *Advance Diesel*, No. 15-cv-04350.

*d/b/a/ Seastar Solutions, Proheat Mechanical Systems Inc., and Proheat Canada*, No. 15-cv-04350 (“*Advanced Diesel*”).

## **B. Indirect Purchaser Actions**

- *Raccoon Valley Transport, Inc. and Audrius Labaciauskas v. Espar, Inc.*, No. 15-cv-1338 (“*Raccoon Valley*”);
- *Regional International Corp. and Mead’s Automotive v. Espar, Inc.*, No. 15-cv-1798 (“*Regional International*”);
- *Davidson Transfer, LLC v. Espar, Inc. and Espar Products, Inc.*, No. 15-cv-3005 (“*Davidson*”);
- *Thomas Johnson and Jim Steger v. Espar, Inc.*, No. 15-cv-3174; and
- *North Jersey Truck Ctr., Inc. v. Espar, Inc. and Espar Products, Inc.*, No. 15-cv-3290 (“*North Jersey Truck*”).

Defendants named in one or more of these actions include Espar, Inc., Espar Products Inc., Espar North America, Inc. (collectively, “the Espar Defendants”), Webasto Products North America, Inc., Webasto Thermo & Comfort North America, Inc. (collectively, “the Webasto Defendants”), former Espar executives Volker Hohensee and John E. Bishop, Marine Canada Acquisition Inc. d/b/a/ Seastar Solutions, Proheat Mechanical Systems Inc., and Proheat Canada (collectively “Proheat Defendants”).<sup>2</sup>

## **II. Leadership**

On August 11, 2015, the Court appointed Hausfeld LLP (“Hausfeld”) and Roberts Law Firm, P.A. (“Roberts”) co-lead interim counsel for the direct purchaser class, and the Law Offices of Francis O. Scarpulla and Cooper & Kirkham co-lead interim counsel for the indirect purchaser class,

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<sup>2</sup> Complaints naming Espar entities only include: *Raccoon Valley*, *Regional International Corp.*, *Davidson Transfer, LLC*, *Johnson*, *North Jersey Truck Center*, *Triple Cities Acquisition*, and *National Trucking*. Complaints naming Webasto entities, in addition to Espar entities, include: *Trailer Craft, Inc.*, *Guay Brothers*, *Myers Equipment Corporation* and *Advance Diesel Services*. In addition to Webasto and Espar entities, *Guay Brothers* named the two former Espar executives and *Advance Diesel* named the Proheat entities.

with Steven Williams of Cotchett, Pitre & McCarthy, LLP as liaison counsel for the indirect purchaser class.

### III. Case Management and Protective Orders

The parties have been communicating and exchanging drafts of orders addressing preliminary and scheduling matters. It is anticipated that the Parties will submit a proposed Case Management Order and a proposed Protective Order, or, if the Parties are unable to reach agreement, a report briefly setting forth their positions and the reasons therefore regarding provisions on which they could not reach agreement as to the Case Management Order and Protective Order, no later than October 14, 2015 and October 28, 2015, respectively.

Dated: October 5, 2015

Respectfully submitted,

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